THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 12578 of 2005

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Dated:19-08-2005

Between:

Sri M.V.R. JS. Sarma, S/o. Late Sri Suryanarayana Murthy,
Telecom District, Hyderabad, R/o. H.No. 9-81,

(Old No. 7-29) Chengicherla Road,
Medipally Village, Uppal, Hyderabad, (R.R. District)-500 039.

..... PETITIONER

AND

1 The Forest Range Officer, Hyderabad North,

O/o. Principal Chief Conservator of Forests,
Tuljaguda Complex, M.J. Market, Hyderabad, and another.

.....RESPONDENTS

ORDER:

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The petitioner is a resident of Medipally Village. He purchased a plot admeasuring 245 square yards in Survey No.49/2 under a registered sale deed dated 06.04.1990 and allegedly constructed a house and living there. The first respondent herein issued the impugned notice, dated 07.06.2005, calling upon the petitioner to vacate the land occupied by him, on the ground that the land is situated inside the forest. The petitioner was also informed that necessary action would be initiated against him under the A.P.Forest Act, 1967.

The petitioner contends that the land he purchased in 1990 is not comprised in Survey No.47, which is of Reserved Forest, and that the land is in Survey No.49/2. It is also the contention of the learned counsel for the petitioner that the notice/order passed by the first respondent was not preceded by any prior notice.

The allegation that the first respondent did not enquire into the matter and did not give any notice prior to passing the impugned order, calling upon the petitioner to vacate the forest land, is not denied.

Therefore, treating the impugned order itself as a notice, the petitioner is given liberty to file a representation within a period of ten days from the date of receipt of a copy of this order. As and when such representation is made, the first respondent or any Superior Officer of the Forest Department shall conduct an

enquiry as to whether the land, in possession of the petitioner, is situated in Survey No.47 of forest land or Survey No.49/2, which is non forest land, and pass appropriate orders. Till such exercise is done, no coercive steps shall be taken to vacate the petitioner.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.08.2005

Note: Issue C.C in three days.

B/o.

vs